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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,365	03/19/2004	Klaus-Dieter Arich	P-US-PR 1095	9220
7590	10/19/2004			
Michael P. Leary Black & Decker Corporation Mail Stop TW199 701 E. Joppa Rd Towson, MD 21286			EXAMINER WILLIAMS, JAMILA O	
			ART UNIT 3722	PAPER NUMBER
DATE MAILED: 10/19/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/804,365

**Applicant(s)**

ARICH, KLAUS-DIETER

**Examiner**

Jamila O Williams

**Art Unit**

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 and 18-21 is/are allowed.
- 6) ☒ Claim(s) 10,17 and 24 is/are rejected.
- 7) ☒ Claim(s) 5-9,11-16,22 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3-19-04, 9-3-04</u> . | 6) <input checked="" type="checkbox"/> Other: <u>definition</u> .                      |

# shroud

**shroud** (shroud) *noun*

1. A cloth used to wrap a body for burial; a winding sheet.
2. Something that conceals, protects, or screens: *under a shroud of fog*.
3. **a. Nautical.** One of a set of ropes or wire cables stretched from the masthead to the sides of a vessel to support the mast. **b.** A similar supporting line for a smokestack or comparable structure. **c.** One of the ropes connecting the harness and the canopy of a parachute.

*verb*

**shroud·ed, shroud·ing, shrouds** *verb, transitive*

1. To wrap (a corpse) in burial clothing.
2. To shut off from sight; screen. See synonyms at block.
3. *Archaic.* To shelter; protect.

*verb, intransitive*

*Archaic.*

To take cover; find shelter.

[Middle English, garment, from Old English *scrūd*.]

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## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, both conditions of claims 19 and 21 must be shown or the feature(s) canceled from the claim(s). The examiner notes that page 2 paragraph [0007] provides support for "one of the extension sleeve or the slideable sleeve" being tapered at its forward end to fit in corners and "the other of the extension sleeve or the slideable sleeve" having a forward rim which fits against a plane surface, however the figures only show the extension sleeve having the tapered forward rim and the sliding sleeve having the plane forward rim. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of

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the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated (paragraphs [0002-0003] of the specification appears to suggest that figs 1 and 2 are prior art). See MPEP § 608.02(g).

Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Additionally, applicant is reminded to make the corresponding changes to the specification with regards to the prior art.

### ***Claim Objections***

3. Claims 5-9, 15-16 and 22-23 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim and must refer to other claims in the alternative only. For example, claim 5 refers back to claims 1-4 in the alternative. However, since claim 4 is also a multiple dependent claim, this combination is improper.

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Additionally, claim 15 which recites "claims 11 to 14" is not in the alternative form. In making the correction to claim 15 (and others of similar structure), applicant is reminded that both conditions for multiple dependent claims must be satisfied (i.e. alternative form and not depending from other multiple dependent claims). See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

4. Claim 11 is objected to because the use of the terms "to such a shroud" does not read clearly. A possible correction could be --said shroud--or --the shroud--.
5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 10,17,24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

#### ***Allowable Subject Matter***

7. Claims 5-11,15-17 and 22-24 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, and the objections set forth in this Office action. Note, claims 12-14 (which are dependent on objected claim 11) would be allowable upon correction of claim 11.
8. Claims 1-4 and 18-21 are allowed over the prior art.

#### ***Reasons for Allowance***

The specific limitations of "...a slideable sleeve is slideably mounted on the extension sleeve so as to move between a retracted position in which the forward rim of

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the extension sleeve is engageable with a surface to be worked and an extended position in which a forward rim of the slideable sleeve is engageable with a surface to be worked and the forward ends of the extension sleeve and the slideable sleeve are shaped differently from each other so as to fit against a different shape of work surface" are not anticipated or made obvious over the prior art of record in the examiner's opinion. For example, 5,160,230 to Cuevas discloses a debris catcher that includes a tube like extension sleeve (60), which extends around a shroud (tailpiece 14 serves as a shroud in that it conceals or protects the chuck, see attached definitions of shroud), wherein a slideable sleeve (bellows 12) is slideably mounted on the extension sleeve. Cuevas discloses (column 3 lines 47-48) that the bellows section 12 is capable of compressing or retracting during actual use, however there is no teaching that the spinner disk 60 ever extends such that the forward rim is engageable with the surface to be worked, as recited in claim 1.

4,097,176 to Wanner et al. discloses a dust collection unit having a shroud (34) and a tube like extension (32) which extends forwardly from the shroud with respect to the tool or bit, Wanner does not however disclose a slideable sleeve which is moveable between retracted and extended positions, as recited in claim 1.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This is simply art of interest and was not used to reject any claims in this office action.

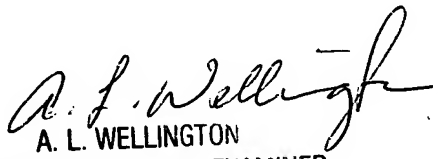
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamila O Williams whose telephone number is 703-305-3312. The examiner can normally be reached on 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on 703-308-2159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jw

  
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